

CALIFORNIA DEPARTMENT OF FISH AND GAME  
MARINE LIFE PROTECTION ACT  
MONTEREY REGIONAL WORKING GROUP

PROPOSED OPERATING PRINCIPLES  
(ADOPTED DECEMBER 11, 2002)

For any collaborative process to go smoothly, it is helpful for those involved to agree at the onset on the purpose for the process and on the procedures by which the group will govern its discussions, deliberations, and decision-making.

**I. PURPOSE OF THE MARINE LIFE PROTECTION ACT REGIONAL WORKING GROUPS**

The Marine Life Protection Act (MLPA) requires that the Department of Fish and Game (Department) prepare a Master Plan for Marine Protected Areas (MPAs) using the “advice, assistance, and involvement of participants in the various fisheries and their representatives, marine conservationists, marine scientists, and other interested persons” [Fish and Game Code, Section 2855(b)(4)].

In order to fulfill this requirement and effectively involve a broad range of constituents throughout the State, the Department has established seven Regional Working Groups (Working Groups). The Working Groups include representatives from a variety of constituencies. Planned meetings of the Working Groups will generally be in major port areas along the California coast.

**II. ROLE OF THE REGIONAL WORKING GROUP MEMBERS/WORKING GROUP STRUCTURE**

The Working Groups will make recommendations for a range of alternative proposals for MPAs to the Department. These recommendations must be guided by the goals and objectives listed in the MLPA. The input received from the Working Groups will be presented to the Director without changes from the Department. However, this does not mean that all Working Group recommendations will necessarily be incorporated in the final draft Master Plan.

The Working Group process will be supported by input from an expert panel of ecological, fisheries, social, and economic scientists (see role of the Master Plan Team below). The Working Groups will develop information on how each existing or potential MPA addresses various MLPA goals as well as rationale for the MPA's creation, modification, or elimination. The Master Plan Team scientists will provide analyses of each recommendation and descriptions of the potential ecological, fisheries, and socioeconomic impacts.

The Working Groups will be asked to review the MLPA goals and objectives. The Working Groups will then apply these broad programmatic goals and objectives to their local regions to develop regional marine resource objectives or “visions for the future” of marine resources. Recommendations can then be made on how the existing array of MPAs can be improved to meet these marine resource objectives. While we recognize that multiple proposals may be submitted, the most desired final result will be recommendations for a single preferred alternative for MPAs.

Once recommendations for alternatives are developed, the Working Groups will look at other factors such as funding, management, monitoring, and enforcement that may effect the implementation of MPAs. The Master Plan can include suggestions for MPA implementation phasing and the Working Groups can provide input on how phasing may assist with implementation.

Regional Working Group Members. The Working Groups will be fully engaged in the overall development of the MLPA Program in a variety of ways by:

- Sharing unique perspectives and views during plan development processes that result in better outcomes;
- Providing advice and recommendations;
- Acting as checks and balances regarding expectations, resources and other topics;
- Generating new ideas and formulating options;
- Utilizing individual and combined working group member expertise to evaluate analysis and alternatives;
- Conducting broad review of draft documents; and
- Discussing key issues arising from public submissions.

Sub-Groups may be formed at the direction of the Working Group. The Working Group will designate sub-group members as needed for the anticipated tasks and outcomes. At the direction of the Working Group, sub-group members may develop draft products and make recommendations to the Working Group. The Sub-Group will not make decisions on behalf of the Working Group. Any Working Group member can be a member of a sub-group.

MLPA Master Plan Team. The MLPA requires that the Department convene a Master Plan Team (Team) to “advise and assist in the preparation of the Master Plan” [Fish and Game Code, Section 2855(b)(1)]. The Act specifies that the Team be composed of staff from the Department, Department of Parks and Recreation, and State Water Resources Control Board as well as five to seven scientists and one member appointed from a list prepared by Sea Grant marine advisers. This team has already contributed substantially to early planning and preparation of the Initial Draft Concepts.

The Master Plan Team will continue to function in an advisory and analytical role as the process continues. Members of the Team will be available at each Working Group meeting where requested or when the Department anticipates a need to provide scientific expertise and advice directly to the Working Group members. At specific points in the process the Team will be asked to review and comment on various alternatives developed by the Working Groups. They will provide analyses of alternatives and suggestions for modifications back to the Working Groups and directly to the Regional Working Group coordinator.

Changes to the Master Plan Team may be appropriate at this time. The Act specifies, “the Department may engage other experts to contribute to the master plan” [Fish and Game Code, Section 2855(b)(5)]. It has been suggested that a combined socioeconomic, ecological, and fisheries science panel would best provide input and advice on the process. The Department will explore the possibility of adding scientists to the existing Team to fulfill this role.

Department of Fish and Game. The Department is the convening agency for the process and is seeking the advice and recommendations of the Working Groups. This advice will be used in the development of the draft Master Plan and preferred alternative. The Act requires that the Master Plan, a preferred alternative, and a range of other alternatives be provided to the Fish and Game Commission (Commission).

A Statewide committee may be formed from members of each Working Group. This Committee could help ensure that recommendations are presented in compatible format to facilitate development of regional recommendations into the Statewide Master Plan. Using the Working Groups’ and statewide committee’s input the Department will develop a reasonable range of alternatives and a draft preferred alternative. This will be included in the first draft Master Plan. The draft Master Plan will be reviewed with the Working Groups and revised, to the greatest extent possible, to adequately reflect the broad range of views expressed. The revised draft may then be presented to the Commission for additional public comment and review.

### **III. PARTICIPATION**

Interests Represented. Working Group members represent parties, organizations, agencies or others that have an interest, role, responsibility and/or would be substantially affected by the development and implementation of the MLPA Program. Each member is expected to communicate the perspectives of the interests they were asked to represent. If necessary, the Working Group may need to explore additional ways to reach out to the community more broadly, or to specific constituencies, to ensure all interests are represented.

Additional Parties. Additional members may join the Working Group only with the

consensus of the Working Group and the approval of the Director of the Department.

Attendance at Meetings. Each member must make a good faith effort to attend each full meeting. If a Working Group member cannot attend, he or she may designate their Department-approved alternate to attend. It is the responsibility of the member and alternate to stay fully briefed on all Working Group meeting discussions and deliberations.

Constituent Interests. Working Group members are expected to consult with and represent the concerns and interests of the organizations and constituents they were appointed to represent. They are responsible for ensuring that all significant issues and concerns of their organizations and constituents are fully and clearly articulated during Working Group meetings. Members are also responsible for ensuring that any eventual advice, recommendations or agreements developed by the Working Group are acceptable to their organizations and/or constituents they were appointed to represent.

#### **IV. MEETINGS**

Open Meetings. Working Group meetings will be open to observers. Members of the public are encouraged to have their interests incorporated into the RWG deliberations through their representative(s). Members of the public are also encouraged to submit written comments (a form will be provided at each meeting) on the work of the Working Group for consideration.

In addition, a public comment period will be available during each RWG meeting. Public comment will last no longer than 15 minutes, allowing for no more than two minutes per person and if necessary, less than two minutes. If the number of people signing up to make a public comment is large enough to make the 15 minute time frame untenable, the Working Group members will revisit the process. There may be some instances where the group chooses to explore other approaches to engaging the public.

Video or Audio Recordings. The Working Group members respectfully request that there be no audio or video recordings of their discussions, unless specifically approved by the group.

Facilitation. Working Group meetings will be facilitated by a member of the RESOLVE facilitation team. The facilitator will not take positions on the issues addressed by the Working Group. The facilitator will work to ensure that the process runs smoothly. The facilitator's role usually includes developing draft agendas, distributing meeting materials, facilitating meetings, working to resolve any impasse that may arise, preparing meeting summaries, and other tasks as requested. The facilitator will

serve at the will of the group and may be replaced by another facilitator as agreed upon by the members.

Agendas. Proposed meeting agendas will be drafted by the Department and facilitator in consultation with Working Group members, circulated in advance of meetings, and approved or revised at the beginning of each meeting.

Meeting Summaries. Meeting summaries and action item lists will be prepared by the Department and facilitator to assist the Working Group in documenting its progress and activities. Draft meeting summaries will be provided to the Working Group for correction and comment prior to distribution to the public. The meeting summaries will be distributed to the public via the Department's web page.

Breaks and Caucuses. Meetings may be suspended at any time at the request of any member to allow consultation among interest group members. Requests should be respectful of all members' time. If the use of caucuses becomes disruptive, the Working Group will revisit the process.

## **V. DECISION-MAKING AND COMMITMENTS**

Decision Making. Working Groups will provide advice and recommendations for the development of alternatives for MPAs, and will work toward development of a preferred alternative. The group will strive to make decisions by consensus of those present at the meeting, except for decisions on major products, where consensus will be sought from all RWG members. Those absent from the meeting will be asked to provide written comments within one week of a decision, and if they do not, it will be noted that the member abstained from the decision. When consensus is not achievable, separate sets of recommendations that represent the differing points of view will be communicated to the DFG.

Quorum. A quorum exists when at least two-thirds of the Working Group members are present. If less than two-thirds of the Working Group members are present, decision-making on major products will be postponed until a 'quorum' is reached.

Consensus. The RWG will strive to operate by consensus. All recommendations and materials will be reviewed and discussed by the RWG before being forwarded to the DFG, via the RWG Coordinator, for their consideration. The RWG will endeavor to reach a consensus position on the recommendations and conclusions it presents. Recommendations or other documents can be considered to have achieved consensus if there is no dissent by any member of the RWG. Another way of stating this is that "all members at the table can live with the decision."

Furthermore, DFG believes there is value in the RWG articulating the range of

disparate views of its members. Therefore, if consensus on particular issues is not possible, the RWG will articulate both the areas of agreement and disagreement, and the reasons why differences continue to exist. Specifically, one or more members representing the minority point of view on that issue will be asked to prepare a section reflecting those views. The section should clearly identify the issues and information needs and uncertainties. In addition, those 'seats' that support or oppose a recommendation will be identified.

Commitments of All Members. All Working Group members agree to:

- Attend meetings and follow through on promises and commitments;
- Bring concerns from their interest group or organization up for discussion at the earliest point in the process;
- Share all relevant information that will assist the group in achieving its goals;
- Resolve issues being addressed by the Working Group within the Working Group structure, not through side bar discussions and agreements that may place other Working Group members at a disadvantage; and
- Support the eventual product if they have concurred in it.
- Notify alternates as soon as possible if they cannot make a meeting.
- Keep alternates up to speed on the Working Group progress.
- Review materials in advance of the meeting.

## **VI. SAFEGUARDS**

Good Faith. All Working Group members agree to act in good faith in all aspects of the collaborative effort. Working Group members agree to make their best effort to accurately represent the views of their constituency. Specific offers made in open and frank problem solving conversations will not be used against any other member for any other purpose or as a basis for future litigation or public relations. This encourages the free and open exchange of ideas, views and information prior to making recommendations or reaching consensus. Personal attacks and prejudiced statements are not acceptable.

Good faith requires that individuals not represent their personal or organization's views as views of the Working Group, and that they express consistent views and opinions in the Working Group and in other forums, including in press contacts.

Should a Working Group member be found to be acting in bad faith the RWG Coordinator and/or facilitator should be asked to talk with the individual(s) about the situation. While every effort will be made to redress the concerns, in extreme cases, the group may recommend unseating a member. The authority to remove a member from the Working Group rests with the Director of the Department.

Right to Withdraw. Any member may withdraw from the Working Group at any time.

Communication about the reasons for withdrawing would be appreciated. Good faith provisions apply to those who withdraw. If a member withdraws, the Department may seek nominations for a replacement to maintain a broad representation within the Working Group.

Information. Working Group members agree to share all relevant information to the maximum extent possible. Parties will provide information as much in advance of the meeting at which such information is used as possible.

The Department agrees to make a good faith effort to send out documents to Working Group members and alternates at least two weeks in advance of requested action, or to provide an explanation if they are unable to do so.

Press. All Working Group members agree to refrain from making negative comments about or characterizing the views of other Working Group members in contacts with the press. They also agree not to knowingly mischaracterize the positions and views of any other party, nor their own, in public forums. Members are free to make comments to the press as long as they clarify that they are representing their views and not those of the Working Group.

## **VII. PROCESS REMINDERS/GROUND RULES**

- Seek to learn and understand each other's perspective
- Encourage respectful, candid and constructive discussions
- Provide balance of speaking time
- If you disagree, offer an alternative solution
- Seek to resolve differences and reach consensus
- Discuss topics together rather than in isolation
- Make every effort to avoid surprises
- No sidebar conversations
- Cell phones shall be turned off or in the non-ring mode during formal meeting sessions

## **VIII. SCHEDULE**

While the exact schedule of meetings and agendas has not been set, the general process for the MLPA Regional Working Groups has been developed (*see the MLPA Draft Working Group Process document- 6/14/02*). Further details will be developed once the Working Groups begin meeting and may change based on how rapidly discussions progress. Different regions may also work at different paces or require more time to develop recommendations.